

Serial No.: 10/525,046
Attorney Docket No. 66309-210-2

REMARKS

This Amendment is in response to the Office Action of December 21, 2006, in which the Examiner allowed claims 1 and 2 and rejected claims 4-14. In the meantime, applicant's representative contacted the Examiner's supervisor and learned that a new Examiner, named in the above caption, was to be assigned the application. The new Examiner is handling a application drawn to related subject matter.

Applicant's representative contacted the new Examiner and discussed the application briefly and forwarded a draft amendment which was believed to overcome the rejections. The new Examiner asserted that the amendment would not place the case in condition for allowance because the art cited in the present application and that cited in the related application appears to be inconsistent. Accordingly, the new Examiner suggested that Applicant study the art in present application and in the related application, and then prepare a response.

The art cited in the present application is Flachenecker *et al.*, U.S. Pat. 4,818,954. According to the Examiner claims 4-14 are anticipated by the reference. The art cited in the related application includes Pozzato U.S. Pat. 6,158,122 and Swanson U.S. Pat. 6,679,269.

Applicants assert that none of the above identified references teach or suggest the important features of the invention. In particular the references do not show or suggest a control circuit for an electronic scalpel which employs two or three or more harmonics in the output of the current applied to the electrode carried by the manipulator. These harmonics distort the output voltage which in turn protects the tissue. These references also do not teach the regulation of the amplitude of the resulting wave to thereby regulate the power delivered to the tissue whereby destruction of the tissue is avoided. In addition the references do not show how the energy supplied to the manipulator results in a temperature of between about 50 and 75 degree C resulting in the denaturation of fibrinogen and its transformation into fibrin.

Applicant has discovered how to regulate the power to an electronic scalpel whereby the tissue is effectively cut without damage. In other words, the incised tissue is cut, but the tissue along the margins of the incision is not destroyed. As a result, there is better performance of the scalpel and the tissue is in better condition for healing after surgery.

The references do not teach these features. Accordingly, it is believed that the claims are in a condition for allowance, and such a determination is earnestly solicited.

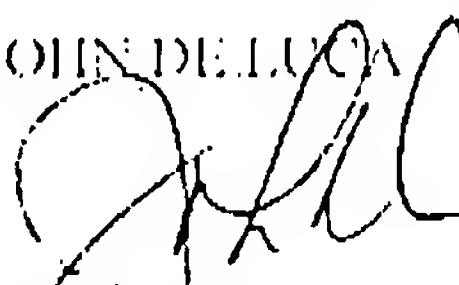
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The claims have been amended in order to more clearly recite these features. In addition, certain informalities have been addressed by the amendments as well.

The Commissioner is authorized to charge the any fees that may be required to Deposit Account 504147 or to credit any overpayment thereto. The undersigned is authorized to charge said deposit account.

Respectfully submitted,

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